

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:25-cv-60760-LEIBOWITZ/STRAUSS

ERIC AIDA,

Plaintiff,

v.

ROSE MARIE MICELUS, *et al.*,

Defendant.

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court on United States Magistrate Judge Jared Strauss's Report and Recommendation ("the R&R"), recommending that this action be dismissed without prejudice and all pending motions be denied as moot. [ECF No. 7]. Judge Strauss recommended that Plaintiff's case be dismissed for failure to establish subject matter jurisdiction and failure to prosecute as he ordered Plaintiff to file an amended complaint, which Plaintiff did not do. [*Id.*]. Plaintiff had until May 30, 2025, to file objections to Judge Strauss's R&R and has failed to do so.

"In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." *Macort v. Prem, Inc.*, 208 F. App'x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present "supporting legal authority." S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives "objections meeting the specificity requirement set out above," it must "make a *de novo* determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." *Macort*, 208 F. App'x at 783–84 (cleaned up). To


the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up).

The Plaintiff has not submitted any objections to Judge Strauss's report and recommendation, and the time to do so has passed. As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Strauss's report is thorough, cogent, and compelling. The Court adopts the report and recommendation in its entirety and dismisses this lawsuit without prejudice.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. Magistrate Judge Strauss's R&R [ECF No. 7] is **AFFIRMED AND ADOPTED**.
2. This matter is **DISMISSED without prejudice**.
3. All pending motions are **DENIED as moot**.
4. The Clerk of Court is directed to **CLOSE** this case.

DONE AND ORDERED in the Southern District of Florida on June 2, 2025.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record